

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



STEVE VILLA,

Plaintiff,

v.

19-CV-1701-JLS-JJM

SOUTHWEST CREDIT SYSTEMS,
L.P.,

Defendant.

DECISION AND ORDER

On December 20, 2019, Plaintiff Steve Villa commenced this action against Defendant Southwest Credit Systems, L.P., pursuant to the Fair Debt Collection Practices Act. Dkt. 1. Defendant answered on January 22, 2020. Dkt. 4.

On January 28, 2020, this Court¹ referred this case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Dkt. 6.

On April 23, 2020, Plaintiff moved for leave to amend the Complaint. Dkt. 18. On June 10, 2020, Judge McCarthy issued a Report and Recommendation ("R&R"), which, as relevant to this Decision and Order, recommended that the motion for leave to amend be denied. Dkt. 31. The parties did not object to the

¹ Judge Vilardo was originally assigned to this case and made the referral to Magistrate Judge McCarthy. On February 18, 2020, this case was reassigned to the undersigned. See Dkt. 9.

R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge McCarthy's R&R as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge McCarthy's recommendation to deny Plaintiff's motion.

CONCLUSION

For the reasons stated above and in the R&R, Plaintiff's motion for leave to amend (Dkt. 18) is DENIED. The case is referred back to Judge McCarthy for further proceedings consistent with the referral order of January 28, 2020. Dkt. 6. SO ORDERED.

Dated: July 7, 2020
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE